

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

VINCENT LATTANZIO)	
Petitioner,)	
)	
v.)	Civil No. 05-30152-MAP
)	
UNITED STATES OF AMERICA)	
Respondent)	

Government's Status Report and Motion
to Extend Time to Respond to Defendant's Section 2255 Motion

The United States of America, by Michael J. Sullivan, United States Attorney for the District of Massachusetts, respectfully submits this status report and requests, if necessary, that the Court extend the government's time to respond to the defendant's Section 2255 motion.

On June 24, 2005, Mr. Lattanzio filed a Section 2255 motion seeking to set aside or correct his sentence. On June 30, 2005, this Court ordered the government to respond to the petition by August 1, 2005. At approximately the same time that Mr. Lattanzio filed his petition in this Court, he filed a parallel request with the Court of Appeals for the First Circuit seeking permission to file the instant Section 2255 motion in this Court, since it was a successive motion for habeas relief.

The government has been waiting for a resolution of Mr. Lattanzio's request to the First Circuit before responding to his petition in this Court. On approximately September 14, 2005, Mr. Lattanzio withdrew his request to the First Circuit. Mr. Lattanzio's counsel, John Thompson, Esq., is now considering whether to withdraw the instant motion.

The government respectfully requests that the Court permit the parties to report to the Court in three weeks, by October 19, 2005, as to whether Mr. Lattanzio will withdraw his Section 2255 motion. In the event that Mr. Lattanzio decides to continue to pursue his motion, the government will request a brief period of time to respond.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

by: /s/ Kevin O'Regan
Kevin O'Regan
Assistant U.S. Attorney

Date: September 28, 2005

Certificate of Service

September 28, 2005

I certify that I caused the foregoing document to be mailed to John Thompson, Esq., 1331 Main Street, Springfield, MA 01103.

/s/ Kevin O'Regan
Kevin O'Regan
Assistant U.S. Attorney